

THE HONORABLE JOHN C. COUGHENOUR

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

UNITED STATES OF AMERICA,

Plaintiff,

v.

LEWIS DEAN ARMSTRONG,

Defendant.

CASE NO. CR13-0322-JCC

ORDER GRANTING MOTIONS
FOR CONTINUANCE OF
SENTENCING AND FOR A
COMPETENCY HEARING
PURSUANT TO 18 U.S.C. §4241

This matter comes before the Court on Defendant's motions for a hearing pursuant to 18 U.S.C. §4241 (Dkt. 77), and for a continuance in sentencing. (Dkt. 90) Plaintiff has filed a motion in support of the motion for a competency hearing, (Dkt. 81) and has not opposed the motion for continuance of sentencing. Having thoroughly considered the parties' briefing and the relevant record, the Court has concluded that the motion for a competency hearing (Dkt. 77) is timely and that good and sufficient grounds have been presented for utilizing the procedures established in Chapter 313 of Title 18, United States Code, for assessment of the defendant's competency to stand trial. Therefore, it is hereby ORDERED as follows:

1. The motion for a competency hearing pursuant to 18 U.S.C. §4241 (Dkt. 77) is granted;

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U.S.C. §4241
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1 2. A competency hearing shall be set in this matter for a date not later than 30 days after
2 the receipt of the report provided for in this order;

3 3. A psychiatric or psychological examination of the defendant shall be conducted within
4 60 days of this order;

5 4. The attorneys for the parties shall confer and agree upon the psychiatrist or
6 psychologist ("the expert") who shall conduct the examination, provided that, as required by
7 statute, the expert must be a licensed or certified psychiatrist or psychologist;

8 5. The examination shall be conducted at the Federal Detention Center, Sea-Tac,
9 Washington, unless otherwise directed by a subsequent order of the court;

10 6. The defendant shall participate in the examination process and shall cooperate with the
11 expert;

12 7. The expert shall file a report on the examination with the court, under seal, within 30
13 days after completion of the examination;

14 8. Copies of the report shall be provided to the attorney for the defendant and to the
15 attorney for the United States;

16 9. The report shall include: (1) the defendant's history and present symptoms; (2) a
17 description of the psychiatric, psychological and medical tests that were employed and their
18 results; (3) the expert's findings; (4) the expert's opinions as to diagnosis, prognosis, and an
19 opinion as to whether at the time of trial (March, 2014) the defendant was suffering from a
20 mental disease or defect rendering him mentally incompetent to the extent that he was unable to
21 understand the nature and consequences of the proceedings against him or to assist properly in
22 his defense;

23 10. Information that the defendant provides in the course of the evaluation shall be used
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1 solely for purpose of participating in and informing the evaluation process and shall not be used
2 for any other purpose whatsoever; and

3 11. In order to permit the completion of the examination and report and the conduct of a
4 competency hearing (if necessary) before sentencing, the motion to continue sentencing (Dkt.
5 90) is GRANTED, and sentencing is continued until 9:00 a.m. January 27th, 2015.
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8 DATED this 18th day of September 2014.
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A handwritten signature in black ink, reading "John C. Coughenour", written over a horizontal line.

John C. Coughenour
UNITED STATES DISTRICT JUDGE